

### REMARKS

Applicant requests reconsideration of the application in view of the foregoing amendments and the discussion that follows. The status of the claims as of this response is as follows: Claims 1-6, 13-25, 27, 30 and 31 are pending. Claims 7-12, 26, 28, 29 and 32 were previously canceled. Claims 1, 13, 20, 21, 25, 27, 30 and 31 have been amended herein.

#### The Amendments

Claim 1 was amended to limit the claims to embodiments wherein  $R^2$  is  $-(CH_2)_nC(O)R^6$  and  $R^6$  is immunogenic carrier or label. Support therefor is in the specification, for example, original Claim 1.

Claims 13, 20, 21, 25, 27, 30 and 31 were amended in a manner similar to that for Claim 1.

#### Rejection under 35 U.S.C. 102

Claims 1-5 were rejected under paragraph (e) of the above code section as being anticipated by Pouletty, *et al.* (U.S. Patent Publication 2003/0171435 A1) (Pouletty). The Pouletty reference discloses compounds including haptens, intermediates, and immunogens that are useful in the production of antibodies specific for the methylenedioxy class of amphetamine derivatives.

Without acquiescing in the rationale of the rejection set forth in the Office Action, Applicant submits that Pouletty does not anticipate the claims as amended. The reference does not disclose or suggest the compounds and methods as claimed wherein the linking group is  $-O(CH_2)_nC(O)-$  to an immunogen or a label.

#### Rejection under 35 U.S.C. 103

Claims 6, 13-25, 27 and 30-31 were rejected under 35 U.S.C. 103(a) as unpatentable over Hui, *et al.* (EP 1,340,981 A2) (Hui) in view of Pouletty.

Without acquiescing in the rejection of the aforementioned claims, Applicant submits that amended Claims 6, 13-25, 27 and 30-31 are patentable over Hui in

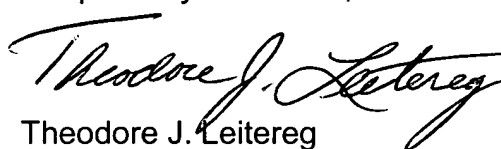
view of Pouletty. The combined teachings of the references do not disclose or suggest the compounds of the present claims. Hui does not disclose or suggest the compounds and methods as claimed wherein the linking group is  $-O(CH_2)_nC(O)-$  to an immunogen or a label. As discussed above, Pouletty is also deficient with regard to such a disclosure. Accordingly, the combination of Hui and Pouletty does not result in the presently claimed compounds and methods.

Claims 6, 13-25, 27 and 30-31 were rejected under 35 U.S.C. 103(a) as unpatentable over Rouhani, *et al.* (GB 2361473 A) (Rouhani) in view of Pouletty. For reasons similar to those discussed above with regard to the rejection of the above claims over Hui in view of Pouletty, Claims 6, 13-25, 27 and 30-31 are not disclosed or suggested by a combination of the teachings of Rouhani and Pouletty.

### Conclusion

Applicant has demonstrated that Claims 1-6, 13-25, 27, 30 and 31 satisfy the requirements of 35 U.S.C. 102 and 103. Allowance of the above-identified patent application, it is submitted, is in order.

Respectfully submitted,



Theodore J. Leitereg  
Attorney for Applicant  
Reg. No. 28,319

Theodore J. Leitereg  
31420 Pennant Ct.  
Temecula CA 92591  
(602) 369-1751